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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,070	12/31/2001	Richard W. Trevino	11045.00	9205

20686 7590 02/08/2006

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EXAMINER

RICHMAN, GLENN E

ART UNIT PAPER NUMBER

3764

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/28/05 have been fully considered but they are not persuasive.

Cutler et al. does not appear to expressly or inherently illustrate or describe a motor frame with at least a portion of the motor frame being higher than the support bed for at least one inclination position of the support bed.

Applicant is directed to Cutler et al – figure 3, where it is clear a portion of the motor frame is higher than the support bed.

Original claim 24 includes the following limitation: a base frame pivotally attached to the motor frame along a second pivot line spaced from the first pivot line, wherein the base frame pivots from an unfolded configuration to a folded configuration about the second pivot line. Cutler et al. does not appear to expressly or inherently illustrate or describe this limitation.

To the extent claimed, Cutler et al discloses a base frame pivotally attached to the motor frame along a second pivot line spaced from the first pivot line, wherein the base frame pivots from an unfolded configuration to a folded configuration about the second pivot line (col. 10, lines 38 - et seq.).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3764

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 24-32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Cutler et al.

As for new claim 32, Cutler et al disclose a support frame having a base (20), a base frame including a support bed (22), a motor frame including a first portion pivotally attached to the base frame at a portion of the base frame near an end of the base frame and a second portion pivotally attached to the support frame (col. 10, lines 38 - et seq.), an elevation motor including an extension arm (fig. 3) and attached to the motor frame and to the base of the support frame (fig.3), wherein as the extension arm moves, an incline of the support bed of the base frame changes (fig. 3).

Allowable Subject Matter

Claims 10-23 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 571-272-4981. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn Richman
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Art Unit 3764